

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

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Walter L. Workman Jr.,

Plaintiff,

v.

Jo Anne Barnhart, Commissioner of  
Social Security,

Defendant.

C/A No. 2:04-23348-GRA-RBC

ORDER  
(Written Opinion)

This matter is before the Court for a review of the magistrate's Report and Recommendation made in accordance with Local Rule 73.02(B)(2)(a), D.S.C., and filed September 16, 2005. Plaintiff has brought suit pursuant to 42 U.S.C. § 405(g) to obtain judicial review of a final decision of the Commissioner of Social Security denying him benefits under Title II of the Social Security Act. The magistrate recommends reversing the Commissioner and directing the Commissioner to establish the period of disability claimed pursuant to 42 U.S.C. § 416(i) and award disability insurance benefits pursuant to 42 U.S.C. § 423.

The magistrate makes only a recommendation to this Court. The recommendation has no presumptive weight, and responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo* determination of those portions

of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.* In the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th. Cir. 1983). Neither party objects to the Report and Recommendation.

After a review of the magistrate's Report and Recommendation, this Court finds that the report is based upon the proper law and substantial evidence supports the magistrate's findings and conclusions. Accordingly, the Report and Recommendation is accepted and adopted in its entirety.

IT IS THEREFORE ORDERED that the Commissioner's decision be REVERSED and that the Commissioner be DIRECTED to establish the period of disability claimed pursuant to 42 U.S.C. § 416(i) and AWARD disability insurance benefits to Plaintiff, pursuant to 42 U.S.C. § 423.

IT IS SO ORDERED.



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G. ROSS ANDERSON, JR.  
UNITED STATES DISTRICT JUDGE

Anderson, South Carolina

October 12, 2005